

# IDENTITY THEFT VICTIMS' STATEMENT OF RIGHTS

Several federal laws protect victims of identity theft. These laws have to do with documenting the theft; dealing with credit reporting companies; dealing with creditors, debt collectors, and merchants; and limiting your financial losses caused by the theft of your identity. Here is a brief summary of the rights of identity theft victims, with links to websites that provide more information.

## Documenting the Theft

You have the right to:

- File a report with a law enforcement agency and ask for a copy of it to show how your identity has been misused. This report is often called a police report.

An identity theft report is a second kind of report. It is a police report with more detail. To be an identity theft report, it should have enough information about the crime that the credit reporting companies and the businesses involved can verify that you're a victim, and know which accounts or information have been affected. It's the report that will give you access to many of the rights described here.

The FTC's ID theft complaint form is a good place to start documenting the theft of your identity. This form asks you for the kind of detail that the identity theft report requires. Once you fill out this form online and print it, you can use it with the police report to create your identity theft report.

## Dealing with Credit Reporting Companies

You have the right to:

- Place a 90-day initial fraud alert on your credit files. You would do this if you think you are — or may become — the victim of identity theft. A fraud alert tells users of your credit report that they must take reasonable steps to verify who is applying for credit in your name. To place a 90-day fraud alert, contact just one of the three nationwide credit reporting companies. The one you contact has to notify the other two.
- Place a seven-year extended fraud alert on your credit files. You would do this if you know you are a victim of identity theft. You will need to give an identity theft report to each of the credit reporting companies. Each credit reporting company will ask you to give them some way for potential creditors to reach you, like a phone number. They will place this contact information on the extended fraud alert as a signal to those who use your credit report that they must contact you before they can issue credit in your name.
- Get one free copy of your credit report and a summary of your rights from each credit reporting company. You can get these when you place a 90-day initial fraud alert on your credit reports. When you place an extended fraud alert with any credit reporting company, you have the right to two copies of that credit report during a 12-month period. These credit reports are in addition to the free credit report that all consumers are entitled to each year.
- Ask the credit reporting companies to block fraudulent information from appearing on your credit report. To do this, you must submit a copy of a valid identity theft report. The credit reporting companies then must tell any creditors who gave them fraudulent information that it resulted from identity theft. The creditors may not then turn the fraudulent debts over to debt collectors.

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- Dispute fraudulent or inaccurate information on your credit report with a credit reporting company. The credit reporting company must investigate your charges, and fix your report if they find that the information is fraudulent.

In many states, you have the right to restrict access to your credit report through a credit freeze. A credit freeze makes it more difficult for an identity thief to open a new account in your name. Your state attorney general's office has information about using a credit freeze where you live.

## Dealing with Creditors, Debt Collectors, and Merchants

You have the right to:

- Have a credit report free of fraudulent accounts. Once you give creditors and debt collectors a copy of a valid identity theft report, they may not report fraudulent accounts to the credit reporting companies.
- Get copies of documents related to the theft of your identity — for example, applications used to open new accounts or transaction records — if you give the company a valid police report. You also can tell the company to give the documents to a specific law enforcement agency; that agency doesn't have to get a subpoena for the records.
- Stop the collection of fraudulent debts. You may ask debt collectors to stop contacting you to collect on fraudulent debts. You also may ask them to give you information related to the debt, like the names of the creditors and the amounts of the debts.

In many states, you have the right to be notified by a business or organization that has lost or misplaced certain types of personal information. Contact your state attorney general's office for more information.

## Limiting Your Loss From Identity Theft

Various laws limit your liability for fraudulent debts caused by identity theft.

- **Fraudulent Credit Card Charges:** You cannot be held liable for more than \$50 for fraudulent purchases made with your credit card, as long as you let the credit card company know within 60 days of when the credit card statement with the fraudulent charges was sent to you. Some credit card issuers say cardholders who are victims of fraudulent transactions on their accounts have no liability for them at all.
- **Lost or Stolen ATM/Debit Card:** If your ATM or debit card is lost or stolen, you may not be held liable for more than \$50 for the misuse of your card, as long as you notify the bank or credit union within two business days after you realize the card is missing. If you do not report the loss of your card promptly, your liability may increase.
- **Fraudulent Electronic Withdrawals:** If fraudulent electronic withdrawals are made from your bank or credit union account, and your ATM or debit card has not been lost or stolen, you are not liable, as long as you notify the bank or credit union in writing of the error within 60 days of the date the bank or credit union account statement with the fraudulent withdrawals was sent to you.
- **Fraudulent Checks:** Under most state laws, you are liable for just a limited amount for fraudulent checks issued on your bank or credit union account, as long as you notify the bank or credit union promptly. Contact your state banking or consumer protection agency for more information.

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- **Fraudulent New Accounts:** Under most state laws, you are not liable for any debt incurred on fraudulent accounts opened in your name and without your permission. Contact your state attorney general's office for more information.

## Other Federal Rights

Identity theft victims have other rights when the identity thief is being prosecuted in federal court. For example, under the Justice for All Act, the U.S. Department of Justice says identity theft victims have the right:

- to be reasonably protected from the accused;
- to reasonable, accurate, and timely notice of any public court proceeding, any parole proceeding involving the crime, or any release or escape of the accused;
- to not be excluded from any such public court proceeding unless the court determines that the identity theft victim's testimony would be materially altered if he or she heard other testimony at that proceeding;
- to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- to confer with the attorney for the government in the case;
- to full and timely restitution as provided in law;
- to proceedings free from unreasonable delay; and
- to be treated with fairness and with respect for his or her dignity and privacy.

## Other State Rights

You may have additional rights under state laws. Contact your state attorney general's office to learn more.

**For more information about identity theft and your rights, visit [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).**